

# **European regulation of crime victims' rights**

## **Abstract**

The thesis deals with regulation of crime victims' rights at the level of the European Union and the Council of Europe. It aims to summarize its bases, current legal regulation as well as its possible development in the near future, and endeavours to assess the level to which the existing secondary EU law reflects the human-rights basis of the victims' rights.

The first part of the thesis introduces human-rights basis of the victims' rights, represented by the Convention, the Charter and related case-law of the ECtHR and CJEU, which guarantees access to justice, thus right to an effective remedy and right to a fair trial, particularly to victims of violent crime. Victims also have the right to protection from repeat victimization and must not be discriminated.

Next parts of the thesis analyze current legal regulation of the Council of Europe, where Convention on Compensation is a crucial binding tool, and of the European Union, where relatively developed regulation of victims' rights exists in form of directives providing for minimal rules of harmonization. The horizontal Victims' Rights Directive constitutes the cornerstone of this regulation. It provides victims of all criminal offences with rights connected to their participation in criminal proceedings, the right to information and access to support services as well as the right to their protection. The Compensation Directive pertains to compensation from the part of the state. Other sectoral directives provide for certain special rights of victims of certain criminal offences who are particularly vulnerable. These contain some interesting issues as well.

It is not within the EU competence to regulate all aspects of the victims' access to justice. Ensuring their effective access to justice is in the end always upon the member states.

The current regulation of the victims' rights at the European level is not to be considered final. It gradually develops and that should not change in the near future.

It follows from the analysis carried out in this thesis that the secondary EU law already reflects numerous requirements set by the human-rights basis of the victims' rights as regards the approach to crime victims. Nevertheless, certain deficiencies exist particularly regarding the approach of victims of violent crimes to compensation. Therefore, the EU should focus on more precise legislative regulation of certain aspects of compensation of such victims in the near future.

**Klíčová slova: crime victims, access to justice, compensation**